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PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552

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OFFICE OF PETITIONS

Applicant: Hicks
Appl. No.: 10/768,342
Filing Date: January 30, 2004
U.S. Patent No.: 6,977,327
Issue Date: December 20, 2005
Title: SOYBEAN VARIETY XB55K04
Attorney Docket No.: 1833
Pub. No.: US 2004/0172692 A1
Pub. Date: September 2, 2004

This is in response to the “Request for Corrected or Revised Patent Application Publication under 37 CFR 1.221(b),” which was received on October 25, 2004, for the above-identified application.

The request is DISMISSED as moot.

37 CFR 1.221(b) is applicable “only when the Office makes a material mistake which is apparent from Office records.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

Since the application has already issued as U.S. Patent No. 6,977,327 on December 20, 2005, the request is deemed moot.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).